

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-620

Appellant(s): Peter Graham

vz.

Appellee(s): City/Town of Somerville
Paul J. Nonni

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board interpret 780 CMR 423, for 114 Temple Street, Somerville, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 26, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.


The Appellant appeared for the hearing *pro se*. Others were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

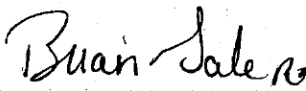
An interpretation via a motion per the Appellant's request on 780 CMR 423 was made that indicates the property and its use as a group residence, with a total resident occupant load (mothers) which will not exceed twenty five, complies with section 423. Specifically the Board's interpretation is that mothers only count towards the occupant load and that their infants do not. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for an interpretation of 780 CMR 423, is hereby noted in the discussion above and so ordered² on this date: August 26, 2008.



Jacob Nunnemacher



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.